

RULE 83.6.4
RECIPROCAL DISCIPLINE

(a) Discipline by Other Courts. Upon being disciplined in another jurisdiction, a lawyer admitted to practice before this court shall promptly inform the clerk. Upon notification from any source that a lawyer within the jurisdiction of this court has been disciplined in another jurisdiction the clerk shall obtain and file a certified copy of the disciplinary order.

(b) Notice and Order to Show Cause. Upon the filing of a certified or exemplified copy of a judgment or order demonstrating that an attorney admitted to practice before this court has been publicly disciplined by another court the clerk, in the name of the court, shall forthwith issue a notice directed to the attorney containing: (1) a copy of the judgment or order from the other jurisdiction or a statement of any information received relating to the discipline imposed by the other court; ~~and~~ (2) an order to show cause directing that the attorney inform the Disciplinary Panel within 30 days after service of that order upon the attorney, personally or by certified mail, return receipt requested, of any claim by the attorney predicated upon the grounds set forth in (d) hereof that the imposition of discipline substantially similar to that imposed by the other court would be unwarranted and the reasons therefor; and (3) if the discipline administered in the other jurisdiction included suspension from the practice of law, disbarment, or if the attorney has surrendered his or her license, an order temporarily suspending the attorney from practice in the District Court and the Bankruptcy Court as provided for in Rule 83.6.6. The other court shall be given notice of the issuance of the order to show cause and of the response by the attorney, and shall have the right to intervene in the proceedings for the purpose of demonstrating that the discipline imposed by it was appropriate.

(c) Stays. In the event the discipline imposed in the other jurisdiction has been stayed there, any

reciprocal discipline imposed in this court shall be deferred until such stay expires.

(d) Reciprocal Discipline Imposed; Exceptions: Upon the expiration of the 30 days from service on the respondent of the notice issued pursuant to the provisions of this rule, the Disciplinary Panel shall impose discipline substantially similar to that imposed by the other court unless the respondent-attorney demonstrates, or the Disciplinary Panel finds, that upon the face of the record upon which the discipline in the other jurisdiction is predicated it clearly appears:

_____ (1) That the procedure was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process; or

_____ (2) that there was such an infirmity of proof establishing the misconduct as to give rise to the clear conviction that the Disciplinary Panel could not, consistent with its duty, accept as final the conclusion on that subject; or

_____ (3) that the imposition of the same discipline by the Disciplinary Panel would result in grave injustice; or

_____ (4) that the misconduct established is deemed by the Disciplinary Panel to warrant substantially different discipline.

_____ Where the Disciplinary Panel determines that any of said elements exist, it shall enter such other order as it deems appropriate. The burden is on the party seeking different discipline in this jurisdiction to demonstrate that the imposition of the same or substantially similar discipline is not appropriate.

(e) Final Adjudication in Other Courts. In all other respects, a final adjudication in another court that an attorney has been guilty of misconduct shall establish conclusively the misconduct for purposes of a disciplinary proceeding in this court.

(f) Referral to a Hearing Panel. The Disciplinary Panel may at any stage refer proceedings under this rule to a Hearing Panel for investigation and report to the Disciplinary Panel.

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As amended 9/23/05, 3/17/04, 11/16/90.
Renumbered 6/95. Formerly Rule 410.